

Application No. 10/509,756
Attorney Docket No. 042751

Response under 37 C.F.R. §1.111
Response filed January 31, 2008

REMARKS

Claims 1-4 are pending in the present application, and are rejected.

The previous rejection of claims 1-4 under 35 U.S.C. §103(a) as being unpatentable over U.S. 2005/0118512 to Onuki et al. has been overcome. However, claims 1-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over JP 2003-308875 to Mori.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over JP 2003-308875 to Mori.

The Examiner characterizes Mori as not expressly disclosing the vinylene carbonate or cycloalkylbenzene ratios of 0.5 to 10 parts by mass per 100 parts by mass of the solvent. The Examiner concludes that it would have been obvious to employ the instant solvents in the amount of 0.5 to 10 parts by mass per 100 parts by mass of the solvent, because discovering an optimum value of a result effective variable involves only routine skill in the art.

Applicants disagree with the rejection and submit that Applicants do not have to address the substance of the present rejections, based on their international filing date.

Applicants note that the present application is a national phase entry of Application No. PCT/JP03/007944, with an international filing date of June 23, 2003.

JP 2003-308875 to Mori was published on October 31, 2003, based on a filing date of April 18, 2002. Applicants submit that because Mori is a non-U.S. patent, only its publication date is used to determine whether it can be used against the present application.

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Because the international filing date (effective U.S. filing date) of the present application predates that of the publication date of the cited reference, Mori does not qualify as a prior art reference under any of §§102(a), (b), or (e). Therefore, it can not be used to further a rejection under §103(a).

Applicants therefore disagree with the rejection and request its withdrawal. Applicants submit that the claims are in condition for allowance. Applicants request such action at an early date.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP


Kenneth H. Salen
Attorney for Applicants
Registration No. 43,077
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

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